IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

Writ Petition No. 339 of 2005 (S/B)

Baldev Singh S/o Sri Harnam Singh,
Serving as Executive Engineer,
Public Works Department, Uttaranchal,
Presently posted as Superintending Engineer,
Uttaranchal Health System Development Project,
Chandra Nagar, Dehradun. ..... Petitioner

Versus

1. State of Uttaranchal,
through Secretary,
Public Works Department,
Govt. of Uttaranchal, Dehradun.
2. Principal Secretary,
Personnel Department,
Govt. of Uttaranchal, Dehradun.
3. Principal Secretary
Reorganisation,
Govt. of Uttaranchal, Dehradun.
4. State of U.P. through Principal Secretary,
Public Works Department,
Govt. of U.P., Lucknow.
5. Principal Secretary,
U.P. Reorganisation Coordination Department,
Govt. of U.P., Lucknow.
6. State Advisory Committee,
constituted under U.P. Reorganisation Act 2000,
Gate No. 31, Jahawar Lal Nehru Stadium,
New Delhi through its Chairman.
7. Union of India through Secretary,
Ministry of Personnel,
Public Grievances and Pension,
Govt. of India, New Delhi. ..... Respondents

Mr. Manoj Tiwari, Advocate for the petitioner.
Mr. J.P. Joshi, Addl. Chief Standing Counsel for the State of Uttaranchal.
Mr. S.P.S. Panwar, Addl. Chief Standing Counsel for the State of U.P.
Ms. Anjali Bhargava, Addl. Standing Counsel (Central Govt.)

JUDGMENT

Coram: Hon. Cyriac Joseph, C.J.
Hon. Irshad Hussain, J.

CYRIAC JOSEPH, C.J. (Oral)

1. The basic grievance of the petitioner is that even though he had opted for the State of Uttaranchal, his name has not been included in the successive Tentative Final Allocation Lists published by the second respondent. It is stated that the latest Tentative Final Allocation List was issued by the sixth respondent along with Annexure 11 letter dated 20.10.2005.

2. The petitioner has not prayed for quashing the said Tentative Final Allocation List. He has only prayed for inclusion of his name in the Tentative Final Allocation List. Such a request should be made at the first instance to the sixth respondent itself. There is no averment that the petitioner has made any representation to the sixth respondent objecting to the exclusion of his name from the Tentative Final Allocation List issued on 20.10.2005 and requesting for inclusion of his name in the Final Allocation List. Hence, the prayer for a writ of mandamus to direct the respondents to include the petitioner's name in the Final Allocation List cannot be entertained.

3. Another grievance of the petitioner is about denial of promotion to the cadre of Superintending Engineer. It is stated that the petitioner's junior Sri Anil Kumar Chug was promoted to the cadre of Superintending Engineer overlooking the claim of the petitioner. If the petitioner is aggrieved by denial of promotion to him and illegal promotion to his junior, the remedy available to the petitioner is to file a claim petition before the Uttaranchal Public Services Tribunal. Hence, the grievance regarding the denial of promotion to the petitioner also cannot be entertained.

4. In the above circumstances, the writ petition is disposed of with a direction that if the petitioner files any representation against the Tentative Final allocation List issued on 20.10.2005, it shall be

considered and appropriate orders shall be passed by the sixth respondent while preparing the Final Allocation List.

(Irshad Hussain, J.) **(Cyriac Joseph, C.J.)**
21.12.2005 **21.12.2005**

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